

KENTUCKY GAZETTE

AND GENERAL ADVERTISER.

[VOL. XIX.—N° 1012.]

BY DANIEL BRADFORD, LEXINGTON.

THURSDAY, JANUARY 30, 1806.

TERMS OF THE GAZETTE.

This paper is published weekly, at two dollars per annum, paid in advance.

Those who write to the Editor, must pay the postage of their letters.

REMOVAL.

MACCOON & TILFORD, HAVE removed their Store to the new brick house opposite the market.

TAVERN, STORAGE & COMMISSION.

THE subscriber respectfully informs the publick, that he has lately opened a house of ENTERTAINMENT in Maysville, (Limestone) at the sign of the SQUARE COMPASS. The house is commodious, the stable extensive, and both are furnished with every thing necessary for the accommodation of travellers and others, who may think proper to favor him with a call. He is provided with a large and convenient WAREHOUSE, for the reception of goods, equal, if not superior to any in the place. He will also make SALES upon COMMISSION, for those who may have any thing to transact in that way, which will be done, together with the charges for storage, upon the most reduced terms. He flatters himself, that from the experience he has had in mercantile transactions, attention to business, and a desire to be useful, merit a part of the public patronage.

SAM'L. JANUARY.

REMOVAL.

PORTER CLAY, CABINET AND CHAIR MAKER, HAS lately removed his Shop to his new brick house, which he has built for the purpose, on Bank Alley immediately back of the Bank, and fronting the house lately occupied by Mr. John Jones, and now by Mr. Pew—and where he has on hand a stock of stuff, equal to any in this State. FURNITURE of the newest and most elegant fashions, may be had on the shortest notice, executed in as neat a manner as any where in the United States. He flatters himself, that from the many sources of information which he has had in his line of business; the regular correspondence which he has kept with all the principal Cabinet Makers both in Philadelphia and New-York, that he will be able to give general satisfaction.

Lexington, Dec. 7, 1805.

MADNESS.

AN effectual remedy on the human body, for that dreadful malady the bites of mad animals—it being the remedy that DR. STOY of Lebanon, of Pennsylvania, has effected so many cures with—A number of person have been cured by DR. STOY and myself, that had violent symptoms of the hydrophobia, from one 'til two days raging. The cure can be effected as long as the constituent part of the blood is not separated; which will happen sooner or later, according to the state of body, or the effect of the bite. I would advise every person to make application as soon as the person has received the infection. No trust can be expected for the above.

Michael Schaa.

Lexington, March 18th, 1805.

N. B. The various Printers in the Western States are requested to give the above a place a few times their respective papers.

Dr. Schaa wishes to instruct a Pupil or two, to practice Medicine and Surgery.

All persons indebted to M. Schaa for medical services, are requested to settle and discharge their respective balances, as no longer or indulgence can be given. It is to be hoped that no compulsive measures will be necessary.

MR. DELISLE,

From Paris in France.

RESPECTFULLY informs the public that he offers for sale.

AN ELECTRICK MACHINE, with all the necessary apparatus for a complete course of Natural Philosophy, including the apparatus for medical experiments—price 150 dollars. He makes Electric Machines of all sizes, Pneumatic Machines, and engines for cutting Clock and Watch wheels—Also Darts, Broad and Small Swords, Surgeons' Instruments &c. &c.

Mr. Delisle continues to electorise those affected with the Rheumatism, Appoplexy, Paralyse, and Epilepsy, and most other nervous complaints, at his lodgings, in the house adjoining the prison.

Lexington, Nov. 26, 1805.

Geo. M. Bibb,

WILL continue to exercise his profession of counsel and attorney at law, in those circuit courts in which he has heretofore practised; and in the court of appeals, and court of the United States, for the Kentucky district.

TWO APPRENTICES

TO the Tobacconist's business, are wanted immediately, by Godfrey Bender, High Street, Lexington.

Who has for sale a quantity of Manufactured Chewing TOBACCO, and SEGARS;

Also—Rappee, French Rappee, & ScotchSNUFF, of superior quality.

MARCH 6, 1805.

SALT WORKS.

I WILL rent two Furnaces at the Goose-Creek Salt Works, in Madison County, with convenient houses, for the accommodation of workmen &c.—The water is good, the wood convenient, and the terms will be very reasonable.

John Patrick. Madison, 1st Sept. 1805.

tf

THE SUBSCRIBER

TAKES this method of informing the public, that he has now on hand, A Handsome Assortment of

BOOTS & SHOES; And intends keeping

A Constant Assortment of The Best Imported LEATHER, From Philadelphia; and will prosecute his busi-

nesses in a way so extensive, as shall enable him to sell on better terms than has been usual in this State.

Hugh Crawford, Main Street, opposite A. Logan's and P. Bain's New Brick Houses.

N. B. HFMP, WHISKEY, and a variety of COUNTRY PRODUCE, will be taken in payment.

BLUE DYING will be continued as usual.

JAMES HAWTHORN,

Tailor, & Ladies' Riding-Habit

Maker,

BEGS leave to inform the Ladies and Gentlemen of Lexington, and its vicinity, that he has commenced business in the brick house opposite to Mr. Charles' Printing Office, Main Street, Lexington; where he purpuses carrying on the above business, in all its various branches. Those who may please to favour him with their custom, may depend on having their work done in the most fashionable manner, and with neatness and dispatch. One or two smart Boys, between the age of 10 and 15, will be taken as apprentices to the above business.

Lexington, Nov. 12, 1805.

tf

STRAYED

FROM Frankfort, on Friday the 29th November, 1805, a bright

BAY HORSE,

nearly 15 hands high, about 8 years old, shod

all round, branded on the off thigh or but-

tock with a horse shoe, or perhaps the letters

ID, a lump on his belly about two inches be-

hind the girth place, about the size of an egg;

some saddle marks, moves well and at dif-

ferent gates.

JAMES DARDIS.

Five Dollars Reward.

STRAYED from my plantation, about four months since, a likely

Dark Bay Filley;

two years old last Spring, supposed to be with

foal, neither docked nor branded. I will give

the above reward to any person who will return

her, or give such information as will enable me

to get her.

W. Warfield.

Fayette county, Nov. 20, 1805.

tf

MADISON CIRCUIT, scd.

Robert Johnson, Complainant,

AGAINST

Reuben Proctor's Heirs & als. Def'ts.

IN CHANCERY.

THIS day came the complainant a-

foreaid by his counsel, and on his

motion, and it appearing to the satisfaction

of the court, that the defendants

Reuben Proctor's heirs, and John Col-

foot's heirs are not inhabitants of this

State.—It is therefore ordered, that the

aid absent defendants do appear here

on the first day of the next March term,

to shew cause, if any they can, why the

complainant's bill shall not be taken as

confessed, and that a copy of this order

be inserted in the Kentucky Gazette

two months, agreeable to an act of af-

sembly of Kentucky.

A Copy. Test,

Will. Irvine, C. M. C.

tf

Elisha I. Winter Jr.

tf

A valuable tract of LAND for sale for Casb.

CONSISTING of 600 acres in the state of Ohio, situated on the Miami River; the land is of the first quality, well timbered, a large bottom, on a small water course called Wolf creek, that makes through the whole of it; the land is directly opposite the town of Dayton; the most remote corner not more than a mile and a half from the town; it will be laid off in tracts of 200 acres to suit the purchasers. For terms apply to Dr. James Welsh, of the town of Dayton, or John Bradford of Lexington, who are legally authorized to dispose of the said land—the title is indisputable.

JOHN DOWNING;

RESPECTFULLY informs his friends, and the publick in general, that he continues to keep a house of ENTERTAINMENT, in that commodious frame house, on Main Street, opposite the Court house, at the sign of

THE BUFFALOE;

where he is prepared to accommodate Travellers, and others who may please to call on him, in the best manner. He is well provided with a variety of the best liquors his Bed-

ding and other accommodations will be furnished equal to any in the Western Country. His Stable is well supplied with Hay, Oats, and Corn, and his Ostler particularly attentive, and careful. Those who

are so obliging as to call on him, may rest assured that they shall receive the greatest attention, and every exertion will be made to make their situation agreeable. Private parties may be accommodated with a room undisturbed by the bustle of a tavern.

Lexington, April 29.

A GREAT BARGAIN.

THE subscriber intends leaving the state, and offers for sale the following property, with an indisputable title, and possession given immediately—

LAND, MILLS, &c.

That valuable and well known tract or parcel

situated at the mouth of Tate's creek, 15 miles from Lexington, on the main road leading to Madison court house, containing 1000 acres, or thereabouts, 250 of which is excellent bottom land, the remainder hilly, but well timbered; 80 or 100 acres cleared, part of which is well set with red clover and timothy. On the upper part of this tract is erected a Merchant and Griff Mill, both over-shot and double geared, with a pair of French Burrs and a pair of Laurel Hill stones. The house is large and convenient, being 50 by 40, with four floors, rolling screen, boulting cloths, hopper boy, hoisting and packing works, by water and in good order; the dam is new built entirely of white oak, hewed and filled with stone, not inferior in respect to the best in the state—the situation is perfectly secure, either from back water or floods in the creek—distance from the river, 1 1/2 miles, and no hill interfering. On the lower part of this tract, and about a half mile from the river is situated the saw mill, in complete order, and capable of doing as much business as any in the state. A good framed dwelling, kitchen and store house, with a number of useful cabbins, and a large and never failing springconvenient.

A DISTILLERY,

within 40 yards of the mill, with over-head

waters, and two stills containing 250 gallons.

That celebrated full blooded Stud Horse

YOUNG BARONET,

Rising six years old, full 15 hands 3 inches high, was got by the imported Baronet, who was equal to any horse ever imported; old Baronet was bred by Sir John Welsh, bart, got by Vertumnus, son of Eclipse, his dam called

Penultima, by Snap, grand dam by Cade, great

grand dam by Crab, great, great grand dam by Flying Chilvers, out of a confederate filly; she was got by Grey Grantham, her dam by the

duke of Rutland's Black Bar out of Bright's

foal. Young Baronet's dam was got by the

imported Othello, grand dam by the imported

Figure, great grand dam by the imported Wild

Dair, her dam was imported with Wild Dair, by

gov. Delancy—Wild Dair became so famous

as soon as he was returned to England. Several brood

mares with Baronet colts, and now with foal

by the same horse.

CATTLE,

A small flock, among which are two valuable

Yoke of Oxen; a large flock of Hogs, 40 or

so of which are fit to kill this fall.

As I intend positively to leave this state the ensuing spring, and not wishing to leave any property behind me, it will be well worthy the attention of any person inclining to purchase this kind of property; it will be sold at an under value, the whole together, or separately.

In point of situation, there is no property

of the kind in the state, that surpasses it.

There is a thick settled, fertile country around

it, where the greatest abundance of produce may be collected; the land abounds with good

timber for boat building, and a very conven-

ient spot for that purpose on the bank of the

river Kentucky; boats for the Mississippi trade

can be built, and loaded at the mouth of Tate's

creek with more convenience, less expense,

and greater dispatch than at any other landing

on the river.

NOTICE.

4 THOSE indebted to Macconn and Tilford, are requested to call and pay their respective accounts on or before the first day of March next. All those that fail to comply, must expect their accounts put into the hands of proper officers for collection, without discrimination.

Lexington, January 2, 1806.

THE SUBSCRIBER,
JUST arrived from Philadelphia, now solicits the patronage of his friends in Lexington, as he means to carry on his business in the

Plastering & Stucco Work,
in a masterly and workmanlike manner. Three or Four young men will be taken as apprentices to said business, by the subscriber.

S. Johnston & Daughters,
Also beg leave to inform the Ladies, that they have for sale

Split Straw, Dunstable, & Leghorn
BONNETS

of a superior quality, together with
FLOWERS & WREATHS,
of the newest fashion, with sundry other articles of Millinery. LADIES' DRESSES of all sorts made in the most fashionable manner.

JNO. JOHNSTON.
Main Cross street, 4th house }
above the 1st square. } 1m

FOR SALE,

A VALUABLE FARM of one hundred and twenty odd acres, on Cane run, Scott county, a little below Sanders's tavern—a handsome seat, well watered, a sufficiency cleared, a hewed log house two stories high, nearly new—possession may be had immediately—Cash is wanting.—For terms apply to

ELIJAH CRAIG.
Georgetown, January 6th, 1806. 3t

GEORGE NORTON
Has on hand, and will keep a constant supply of
Dorsey's Best Bar Iron;

Which he will sell at the most reduced prices
for CASH. Also,

Hammered and Cut Nails
Of every size; which shall be sold low, by
wholesale or retail.

THOMAS JANUARY & HENRY PUR-
VIANCE,
UNDER THE FIRM OF
Thomas January & Co.

ARE NOW OPENING AN ASSORTMENT
OF
GOODS

IN a brick house nearly opposite Saint & Geo. Trotters; which they are willing to dispose of for Hemp, Tobacco, Whiskey, Bacon, Hogs' Lard, Bees' Wax, Country Linen and Linsey. They have also an assortment of CASTINGS, and a quantity of Mann's Lick SALT.

FOR SALE,
A LIKELY, young, strong hearty, NEGRO WOMAN with TWO CHILDREN—she has been entirely accustomed to cooking and house business, in which there are but few, if any, who excel her.—Enquire of the printer.

FOR SALE,
A NEGRO WOMAN who understands cooking, washing and ironing—Also a likely BOY and GIRL, 13 or 14 years old.
Apply to the printer hereof.

FOR SALE—On long Credit,
ONE two story BRICK HOUSE,
and Lot of Ground, on the Lime-stone road, at the edge of town. Also, the
HOUSE & LOT

in Lexington, occupied by George Adams jun. next door to George Norton, and the Ground adjoining John Adams jun. A good House, well equip'd for the road, two Brood Mares, and six Colts, two years old and yearlings. The above property is to be sold on a long credit, the purchaser giving bond with approved security, by me.

GEORGE ADAMS Sen.
Dec. 17th, 1805.

RAN AWAY
From the subscriber, living on
Clear creek, in Jessamine county,

A Negro Man, called Simon,
about 30 years of age, six feet high, right
black, his legs are long and small in proportion
to his body, a small round mouth; large
round toed shoes, the heels near half way the
foot, with small cut nails in them. Whoever
brings home said negro, shall have ten Dollars,
paid by me,

Wm. Hughes.
December 12, 1805. 3s

Marion county, 3d May, 1805.

Taken up by John Johnston, in
Washington,

A Dark Bay Horse,
with a small star in his forehead, six years old,
about fifteen and a half hands high, branded
on the near shoulder with a stirrup iron, has a
shoe on his fore foot, and one on his hind foot;
appraised to seventy dollars.

A copy. refe

Marsball Key, D. C. M. C.

FAYETTE CIRCUIT COURT,

September Term, 1805.

George Manell, Complainant,
against

John C. Owings, and others, Defendants.

THE Defendant John C. Owings, having failed to enter his appearance herein agreeable to law and the rules of this court, and it appearing to the satisfaction of the court, that he is not an inhabitant of this Commonwealth, on the motion of the complainant, it is ordered, that the said defendant do appear here on the third day of our next March Term, and answer the Complainant's bill, and that a copy of this order be inserted in some authorized paper agreeable to law.

A Copy. refe,
Tbos. Bodley, C. F. C.

Taken up by John Baker, near
Goshen meeting house, on the head of Stoner,
in Clarke county,

An Iron Gray Horse Colt,
about two years old next spring, with a blaze
in his face, with a wart above his left eye, neither
docked nor branded; appraised to fifteen
dollars. December 5, 1805.

REMOVAL.

E. W. CRAIG,

HAS removed his store to the corner white house, opposite Mr. Leavitt's; where he has received and just opened, a new and large assortment of choice

FRESH GOODS, which he offers to his friends and the public at the most liberal and reduced prices.

FOR SALE,

A Likely Negro Girl,
ABOUT 18 years of age—enquire of the printer.

The celebrated English Stallion TUP, a descendant of Old Eclipse, will stand in Lexington on the ensuing season: The terms will be made known in due time.

January 12, 1806.

E. WARFIELD.

A BARGAIN,

By which the purchaser may make a fortune more speedily, than by any other one offered in the state.

I will sell the Tavern

TRAVELLERS' HALL, Which I occupy, with or without the furniture and stock of liquors, for part Cash, part Store Goods, Negroes, or Country Produce, paid down; the balance in eight annual payments, with interest from the date; or in four annual payments of half Cash, and half approved produce, with interest from the date.

The situation, convenience, elegance and custom of Travellers' Hall, are well known to be unequalled by any Tavern in the Western Country, and by but very few in the Union.

If this property be not sold before the 10 April next, I shall not dispose of it after ward at least for several years.

R. Bradley.

Lexington, 14th January, 1806.

NEW STORE.

ABNER LE GRAND, INFORMS his friends and the public, that he has just returned from Philadelphia, where he selected a large and excellent assortment of MERCANDISE, which he is now opening in the house lately occupied by Messrs. Macconn & Tilford, on Main street, consisting of a general assortment of

DRY GOODS, GROCERIES,

HARDWARE, QUEENS'

CUTLERY, CHINA &

SADDLERY, GLASS } Wares

STATIONARY,

Which he is determined to sell at the most reduced prices for Cash, that Goods can be sold at in the state.

Lexington, January 1st, 1806.

ROBERT CROFFORD, late from the county Tyrone, in Ireland, wishes to find a Widow Allison, whose maiden name was Clark, from the same part, as he supposes she lives in this state, or the state of Ohio. By directing a letter to him at Washington, Kentucky, Mason county, she may find him.

3s3t Kentucky, Dec. 28th, 1805.

JOHN GRANT,
Painter, Glazier & Paper Hanger,

RESPECTFULLY informs his friends and the public in general, that he has removed his shop to the house on Main street lately occupied by Mr. George Young, shoe maker, opposite Mr. Bailey's printing office, where he intends carrying on his business in all its various branches, extensively and with dispatch.

Being now furnished with every necessary material, he will be enabled to complete any kind of work in the above line of business, in a neat and masterly style, and on the most reasonable terms.

He returns thanks to those who have favoured him with their commands, and hopes from his affidavit and attention to business, to merit a continuance of their favours.

Putty and Paints, by the small quantity always on hand.

One or two apprentices will be taken to the above business—boys from 14 to 6 years of age, will meet with liberal encouragement,

DANIEL HALSTEAD & Co.

RESPECTFULLY inform their friends, and the public in general, that they have just opened

A STORE

In Main street, in the house of Mrs. Parker, last occupied by Mr. Brian, Saddler, where they have for sale the following articles, viz.

Ladies' silk plush Dress Hats and Bonnets, Leghorn super do, of different qualities,

Straw Wreaths, Plumes & other Ornaments,

A general assortment of fashionable Ribbons,

Camels' hair, chintz, silk & muslin Shawls,

Cambic, jacconet and book Muslins,

An assortment of coarse and fine do.

Calicoes and Clintzes,

Bandana, Cotton, Linen and Madras Hand-

kerchiefs,

Fine and coarse Linens,

An assortment of fine and coarse Cloths,

Velvet and Fancy Cloths.

Todinet, Swansdown and Merselles Waist-

coat patterns.

An assortment of Dimities,

Men and Women's leather Gloves.

Ladies' cotton and silk do.

Red, yellow and white Flannels,

Green Baize,

Men and Women's Cotton Hose, &c. &c.

The subscribers have also for sale a light

WAGGON, a good farm HORSE and breeding

MARE, and a set of complete HARNESS

with chains &c. for which they will take whisky, lumber or salt, or part of either of the above articles in part payment.—A few cases of

LEIGHORN BONNETS, of the newest

Fashion, which they will sell low for Cash, on

approved Notes at 60 or 90 days.

D. HALSTEAD & Co.

THE Minutes of the North

District Association of Baptists,

are ready for delivery at this Office.

FROM THE PALLADIUM.

CHAP. II.

OF MR. LITTELL'S EPISTLE.

AND it came to pass that when the merchants of the city of Lexington saw that the chiefs of the people and the wife men would fain follow the counsel of Felix, they were sorely troubled, and their countenances fell:

2. And they said one unto another, "surely this is a dark matter, we cannot comprehend it, and even Felix and Henry who are exceeding wise, they understand it not."

3. But there was among the kin-folks of Henry, a certain wife man whose name was Green, and this man was exceeding rich, moreover, he was a chief captain of the host, and judged the people many years.

4. Now Green was not a mighty man of words, but he was a man renowned for wisdom, was skilled in all the laws and customs of the nation, and was moreover, more subtle than any of the wife men of the realm of Kentucky:

5. And he said unto the merchants, take courage, be not dismayed, for I will turn the heart of Felix towards you;

6. For surely Felix is envious that ye have a power to make money out of rags, when he and the other chiefs of the people have no such power:

7. I will therefore propose to the assembly of wife men, that Felix and the other chiefs, and all the wife men, and Christopher the prince of the realm, shall be united with you, and become your fellow laborers in making money out of rags;

8. And forasmuch as there are in the city of Frankfort many rags, I will propose that Christopher, the prince of the realm, shall build a mill in that city for the purpose of working them up into money, until your souls and the souls of all the people shall be satisfied with money made out of rags;

9. And when the merchants heard this, they rejoiced, and said one unto another, surely the Lord of Hosts hath put the spirit of wisdom into the heart of Green, to deliver us from this great and bitter calamity.

10. So Green proposed to the assembly of wife men whatever he had said unto the merchants.

11. And when the wife men heard this, they pricked up their ears, & said, as the Lord liveth, we will follow the counsel of Green, for he is exceeding wise, and will it not be a goodly thing for us and the chiefs of the people to make money out of rags?

12. Moreover the speeches of Felix are not against this matter, for it will not be an exclusive privilege when the wife men and chiefs, and Christopher, the prince of the realm have power to do the same thing.

13. So the wife men assented to whatever was proposed by Green, and Green directed the manner in which the rags should be changed into rags.

14. And when the wife men had assented thereto, Green asked the chiefs of the people to assent also, for it is a custom that the wife men can do nothing without the consent of the chiefs.

15. Then Felix rose up and said "Men and brethren, if any of you are not willing that we and the wife men and Christopher the prince, should become fellow laborers with the merchants of Lexington in making money out of rags, speak out."

16. Then thirty and five of the chiefs said—we are willing.

17. Then said Felix "Inasmuch as ye will go a whoring after this thing, I will counsel you how this money shall be made, for verily the manner which the wife men have devised is not a good one;

18. And if you should labor on rags in that manner never so long, they will not become money but remain rags still."

19. Then Felix shewed unto the chiefs of the people his manner of making money out of rags.

20. And while Henry hearkened unto Felix, he waxed wroth, and said, "wherefore should the wife men and the chiefs of the people desire to make money out of rags rather than out of gold and silver?

21. Is it not because gold and silver they have none, but of rags they have enough and to spare.

22. Nevertheless Felix hath devised a way in which it will be as costly to make money out of rags as bank at any rate and particularly after the impression made at a former

23. Then there arose a great strife meeting, that it was only intended between Felix and Henry about the in the event of a repeal of the char-

manner of changing rags into money.

</div



"True to his charge—
He comes, the Herald of a noisy world,
News from all nations lumbering at his back."

LEXINGTON, JANUARY 30.

COMMUNICATION.

The general satisfaction, experienced by the ladies and gentlemen who were present at the examination of the young ladies, in Mrs. Beck's Academy, which commenced on the 14th inst. induced a belief, that some gentleman, capable of doing justice to the subject, would have given the public information of the pleasing progress the young ladies have made in Reading, spelling, writing, Arithmetic, Composition, Grammar, Geography and Astronomy. Since the former examination, their improvement was so obvious, as to leave no doubt on the minds of all present, of the great importance and utility of the institution, and the credit due Mrs. Beck, as well as to the young ladies under her care.

In the afternoon of Tuesday last, a quarrel took place between two Indians, who have been for some days in this place, one a Chickasaw, the other a Choctaw, which terminated in the Choctaw stabbing the other in several places with a knife. He immediately ran off, but returned again yesterday; when the quarrel was made up, and the whole attributed to whiskey. The wounds were dressed by Dr. Fishback, in the usual method, in the presence of the father of the wounded man, who shewed great impatience until it was completed; when he immediately took off the dressing, and after sucking out the blood with his mouth, plastered them up with mud. It is yet doubtful whether or not he will recover.

On the 8th inst. a duel was fought at Pittsburgh, between Mr. Stewart and Mr. Bates. They fired twice—The second fire Stewart's ball entered Bates's left breast, and he expired in about three quarters of an hour. The dispute originated in political newspaper publications.

Yesterday's mail furnished us with no late Washington City papers, and few from Philadelphia or Baltimore.—Our European intelligence still continues highly interesting. The French armies had not ceased to be successful, both in Germany and Italy. The Russians who had attempted to oppose Bonaparte, had shared the same fate of the Austrians. The French were, at the date of the last accounts, within 160 miles of Vienna; and there appeared nothing to prevent their shewing themselves before that city, unless they should be stopped by negotiations for peace, of which there was some probability. The excesses committed by the Russians were represented as intolerable, and it is said the citizens prayed for the arrival of the French to relieve them from their allies. It is stated that the Austrian and Russian armies hold each other in great detestation and jealousy. The Austrians charge the Russians with delay, whereby they suffered so sorely.—In return the Russians charge the Austrians with being too hasty, in marching forward, before the arrival of the Russian forces. Gen. Mack has been much censured for his surrender of Ulm, and is viewed with great suspicion. Prussia appears firmly resolved to support her neutrality.

We understand (says the Philadelphia Free-man's Journal) that yesterday morning, a duel was fought between Major Jackson, Editor of the Register, and Daniel W. Cox, Esquire, when the former received a bullet through his jaws.

The followings proceeding were had at a town meeting held in the town of Frankfort on the 20th inst. and a copy thereof forwarded to the president of the bank of the United States by mail.

FRANKFORT, State of Kentucky.
Information having been received that a portion of the merchants and mechanicks of the town of Lexington, have subcribed and forwarded an application to the president and directors of the Bank of the U. S. to establish a branch bank in said town, a meeting of the citizens of this town and its vicinity, was deemed proper, in order to take into consideration the policy, expediency & probable consequences of that measure. A full meeting was accordingly convened at the state house on the 20th day of January 1806, at which the governor, federal judge, secretary of state, attorney general, auditor, treasurer, register and many merchants and citizens of the town and neighbourhood attended. The hon. Harry Innes being called to the chair, & Wm. Trigg appointed secretary, the following resolutions were introduced, and after discussion and deliberation adopted (viz.)

Resolved, unanimously as the opinion of this meeting, *1st*. That the introduction of a branch of the Bank of the United States into this commonwealth, is altogether inexpedient; and will be highly injurious to the interests of the good people thereof, and ought to be discountenanced by every proper means—*2*. That the application therefor to the president and directors of the bank of the United States, by certain merchants and mechanicks of the town of Lexington, has been made without due regard to the serious consequences which may result from the institution if obtained, & also without due respect to the general interests of the state, or to the sentiments of the citizens thereof, who (the applicants excepted) are universally opposed to the measure, as was unequivocally expressed by their representatives in their late legislative session.

Resolved, that the chairman of this meeting, do transmit a copy of

the above resolutions to the president and directors of the bank of the United States, to be laid before them for their consideration.

ALARMIN.

It is reported, that the British government contemplates attempting to put an entire stop to the exportation, by neutrals, of Colonial Productions; of course, to confine the importation to a supply for the consumption of the neutral country. (Boston Palladium.)

RALEIGH, (N. C.) Dec. 30.

We are concerned to learn, that the bill lately before the South Carolina Legislature, proposing to repeal the law which authorises the importation of slaves, has been lost by a single vote in the Senate! So that this horrid traffic will continue at least another year. Is it not hard, that after a large majority of the most popular branch of that Legislature had determined to wipe off this stigma on the State, that sixteen members of the Senate (a majority of one only) should have the power of retaining it, contrary to the wishes, it may be fairly presumed, of a large majority of the citizens of that State?

The Legislature of Georgia adjourned on the 9th instant. We understand that they have passed an act, levying a tax of two and a half per cent, on the capital of the branch bank of the United States, in that city; and one half per cent, on bills issued above their capital.

BALTIMORE, Jan. 4.

The mail stage which passed thro' this city yesterday, in consequence of conveying dispatches to government, we learn did not wait to receive the mail from hence, but pushed on with "all diligence" to Washington. It is reported, upon what authority we know not, that these dispatches contain the highly important information—that Mr. Monroe, our ambassador at the court of Great-Britain, had left that country and retired to Paris, in consequence of the tenacity with which the British government adhered to their definitions of Neutral rights.

A few days will probably give us an opportunity of confirming or contradicting this piece of intelligence, which comes under very dubious appearance.

PARIS, October 29.

Head Quarters, Augsburg, Oct. 22. After the capitulation of general Wernicke, near Nördlingen, prince Ferdinand with about 1000 horse, fled into the Prussian territory, for Nuremberg. Prince Murat followed him and overtook his rear near Nuremberg; when all the rest of the park of artillery, baggage, &c. were taken, Murat and his troops, particularly those belonging to the imperial guard, covered themselves with glory—1500 wagons, 50 pieces of cannon, and 16,000 have been taken of the columns which fled from Ulm.

AUGSBURGH, Oct. 21.

A report is now in circulation, that the French having passed the Inn in several places, had turned the corps of the enemy's army, which occupied the route of Lintz. It was composed of the Austrian division of General Kienmeyer, and of 18,000 Russian infantry. This corps has been entirely defeated and dispersed; the Russians in particular have been terribly cut up.

The Latest from Europe.

NEW-YORK, Dec. 31. The brig Sally Tracy, Captain Skiddy, arrived at this port last evening, in 40 days from Bordeaux. She brings Paris papers to the 10th of November, by which we are enabled to trace the operations of the French armies in Germany, to the publication of the fifteenth bulletin, and to follow the army of Italy in its career of victory. But from the late hour at which these papers were received, we find it impossible to lay before the readers of the Mercantile Advertiser this day, more than the eleventh and twelfth bulletins of the Grand Army; two bulletins of the army of Italy, and some smaller articles, which place beyond a doubt, the determination of Prussia to preserve a strict neutrality.

Our last advices from the Grand Army, contained in the fourteenth and fifteenth bulletins, are dated from the head quarters at Braunschweig, a well fortified town in lower Bavaria, at the distance of about 160 miles from Vienna. It had been occupied by the Russians, who fled at the approach of the French troops, leaving behind them 45 pieces of cannon, with sliding carriages, 40,000 balls and howitzers, 100,000 lbs. of gunpowder, 40,000 rations of bread, more than 1000 sacks of flour, 1000 muskets, and every article necessary for the maintenance of a great siege.

On the margin of our latest French paper, was written the following very important information. We cannot vouch for its authenticity; but our recent accounts from Italy render it probable, that the French have gained great and decisive advantages in that country.

"Masseua has gained a complete

"Italy, taken 15,000 prisoners, and put the Arch Duke Charles to flight."

ELEVENTH BULLETIN

Of the Grand Army.

Munich, 4th Brumaire, Year 14.

The Emperor arrived at Munich, the 2d Brumaire, at 9 o'clock in the evening. The town was illuminated in great taste. A great number of persons had decorated the fronts of their houses with emblems, expressive of their sentiments.

On the 3d, in the morning, the Grand Officers of the Elector, the Chamberlains and Gentlemen of the Court, the Ministers, Generals, privy Counsellors, the diplomatic body accredited to his Electoral Highness; the deputies of the States of Bavaria, and the Magistrates of the city of Munich, were presented to his Majesty, who conversed with them for a long time upon the economical affairs of their country.

Prince Murat is arrived at Munich. He has exhibited a prodigious activity in his expedition. He never ceases praising the valiant charge of the Chasseurs of the Imperial guard, and of the Carabiniers.

A treasure of 200,000 florins fell into their power; they passed it without touching any part of it, and continued to follow the enemy.

Prince Ferdinand was present at the last engagement, and made his escape on a horse belonging to a Lieutenant of cavalry.

The whole town of Nuremberg has witnessed the bravery of the French. A great number of defectors and fugitives of the wreck of the Austrian army fill the province of Franconia, where they commit the greatest disorder. All the enemy's baggage has been taken.

In the evening, the Emperor went to the theatre, where he was received with the sincerest demonstrations of joy and gratitude.

Today the Emperor, after seeing Marshal Soult's army file off before him, hunted at Nimpfenburgh, the Elector's country seat.

Every thing is in motion: our armies have crossed the Iser, and are marching towards the Inn, where Marshal Bernadotte on the one side, General Marmont on the other, and Marshal Davout will be this evening.

TWELFTH BULLETIN

Of the Grand Army.

Munich, 5th Brumaire, Year 14.

To the 5th Bulletin of the army, must be added the capitulation of Memmingen, which was forgot.

The fortifications of Ingolstadt and Augsberg, are at this moment, repairing with the greatest activity.

Tetes de pont are constructing to all the bridges of the Leck, and magazines are established behind them.

His Majesty has been highly satisfied with the zeal and activity of General Bertrand, his aid-de-camp, whom he has frequently employed in reconnoitring.

He has ordered the fortifications of the towns of Ulm and Memmingen, to be demolished.

The Elector of Bavaria is expected every moment. The Emperor has sent his aid-de-camp, Col. Lebrum, to receive him, and offer him escorts of honor on his road.

A Te Deum has been sung at Augsburg and Munich. The Bavarian people are full of good sentiments; they run to arms, and form voluntary guards, to defend the country against the incursions of the Cossacks.

Generals Derdi and Wreden, display the greatest activity: the latter has made many Austrian prisoners. He served last war in the Austrian army, where he greatly distinguished himself.

General Mack crossing Bavaria in post, on his return to Vienna, met General Wreden, at the advanced posts, near the Inn. They had a long conversation upon the manner the French treat the Bavarian army.

"We are better off than with you," said General Wreden: "we have neither supplies nor ill usage to support—and far from being exposed the first to the blows; we are obliged to ask for the perilous posts: because the French had rather reserve them for themselves. Among you, on the contrary, we always had to bear the brunt of every engagement."

A staff officer is just arrived from the army of Italy. The campaign commenced on the 26th Vendemiaire. That army will soon form

MINISTRY OF WAR.

Army of Italy.—The Marshal of the Empire Masseua, General in Chief of the Army of Italy, to the Marshal of the Empire Berthier, minister of war. Head-Quarters at Alps, 26 Vendemiaire, year 14, at midnight.

I have had the honor of informing you, Mr. Marshal, that after the expiration of the term agreed on with prince Charles, I should profit of the first moment to act vigorously. I attacked this morning at four o'clock, the bridge of the old castle of Verona, and I have crossed the Adige. I shall give you an account of the result of my operations.

I had assembled the army at Zevio, and in the environs, so as to enable to march wherever the enemy might attempt a passage. This concentration of troops inspired fears concerning my real design. I gave orders for a false attack to be made on my right, and hostile demonstrations on my left: my intention was to deceive the enemy by these different movements, and the success answered my expectations. The first operation was to throw down the wall which defended the middle of the bridge; it fell by means of a train of powder set with great boldness. The two cuts which the Austrians had made were rendered passable by means of planks and boards, and immediately 24 companies of rangers, taken from amidst the divisions of Garde-danne and Duchene, rushed to the other side of the bridge, under the protection of the cannon of the old castle; they were soon followed by the whole of the first division, under the command of General Gardanne. The enemy defended the passage in force, and opposed us briskly; he was put to the rout and pursued to the heights. Reinforcements sent by Prince Charles arrived from all parts; the two armies continued fighting with great obstinacy from four in the morning until six in the evening. The Austrians did not yield their territory until after having obstinately disputed it; at length we drove them from all their positions, and destroyed all their entrenchments. Seven pieces of artillery and 18 caissons are the fruit of this day; we have taken from them 14 or 1500 prisoners; they have left 1200 men on the field of battle, and they have a much greater number wounded. On our side we have had few killed; we have 300 wounded, yet but few of them dangerously.

I immediately gave orders for building a tete de pont, and it is now solidly established. I shall take care to inform you of the results of this day and of the advantages which I hope to reap from it. Be so kind as to present to his majesty the emperor and king this first pledge of the valor of his army of Italy, and renew to him the assurance of our attachment to the execution of his designs.

I remain, yours, &c.

MASSENA.

Third Bulletin of the Army of Italy.

Head-Quarters at Vago, 8th Vendemiaire, year 14.

After the affair of the 7th the army took up its position at Vago, two miles below Caldiero. On the 8th at two in the afternoon it attacked the enemy along the whole line.

The division Molitor, forming the left began the action; that of gen. Gardanne, attacked the centre and that of general Duchene the right. These different attacks were well executed and happily conducted. The village of Caldiero was carried amidst the cries of long live the emperor!

At half past four, Prince Charles gave orders for his reserve consisting of 44 battalions of Grenadiers and several regiments to advance. The action then became hotter. His Majesty's troops displayed their accustomed intrepidity; the cavalry made several charges and every time with success; the battalions of the Grenadiers of the reserve were engaged at the same time, & the bayonet decided the fate of the day.

The enemy caused to play on us upwards of thirty pieces of artillery which lined his intrenchment. But notwithstanding the obstinacy of his resistance he was put to the rout and pursued to the foot of the redoubts beyond Caldiero.

We have taken 5,500 prisoners. The field of battle is strewn with Austrians; the number of their killed and wounded is at least equal to that of their prisoners—Prince Charles has asked for a truce in order to bury the dead.

Our loss is inconsiderable in comparison to that of the enemy.

The Marshal General in chief bestows the highest praise on the courage and attachment of the army—he purposes noticing more par-

ticularly the noble actions which have signified this day, and laying before his majesty the emperor and king the names of those brave fellows to whom the honor of it is due.

GERMANY.

Nuremberg, Oct. 27.

We have received letters from Passau of the 25th. They are full of details relative to the proceedings of the Russians, who appeared for a moment on the borders of the Inn, and sent some detachments to the left bank of that river, but which they hastened to abandon on the first news of the French and Bavarians—We learn, by the same letters, that gen. Kutulow has made his army take a new position, in which he proposes, they say, to wait for the French. His line extends from the Innstatt upon the Danube along the right bank of the Inn, to the mouth of the Salza by Dittingen and Lauffen as far as Salzburg, Reichenhall and Berchtoldsgaden. Leinmayer, who also commanded upon that point, has been replaced by general Meerfelt.

There already reigns a great misunderstanding between the Russians and Austrians: the latter accuse the former of having designedly delayed their march and rejoicing in secret at the defeat of general Mack's army. It is even asserted that some very warm disputes have taken place between the generals of the two powers.

The Prussian Ministry have addressed to all the Civil and Military Authorities of Franconia, a very consolatory circular letter for the neighboring states. It states in substance, "That H. P. M. is taking the most efficacious measures to shelter his faithful subjects from the vexations which they may experience, by the unforeseen passage of troops belonging to the belligerent powers, but that these measures and preparations for defence are only to be considered as a surer means to establish a perfect and strict neutrality for the Prussian territory: all other interposition must be carefully avoided."

Wurtzburg, Oct. 30.

The emperor of Russia not having been able to engage the King of Prussia to repair to Poland, is gone to see him at Berlin, where he arrived on the 25th instant. The interviews of this monarch with his Prussian majesty will not produce the results which many people expect from it.

The cabinet of Berlin, independently of the last proclamation published in the principality of Anspach has clearly declared its intentions by the official declarations. In the last note delivered to Mr. Laforet, ambassador to France, and to gen. Duroc, it is said, "That his majesty will remain faithful to the principles which have hitherto directed his political conduct, and will be constantly animated by the desire of procuring to Europe the advantages of peace in concurring with all his power, by his mediation, to a happy conciliation of the differences which have kindled the flame of war." The motives of the military dispositions which have taken place, and the assembling of several corps of the army are thus explained. "All those measures have no other end in view than to insure the neutrality and protect the territory of his majesty."

THE KENTUCKY POCKET ALMANACK, For the Year 1806.

Containing a correct list of the court days in the several counties, in this commonwealth, may be had at this office.

UMBRELLA MANUFACTORY.

LUKE USHER, from Baltimore, informs the publick, that he has removed his Factory to Lexington, at the sign of the Umbrella, next door to Travellers' Hall, where he will keep a constant supply of

Umbrellas & Parasols, finished in the neatest manner.—Merchants and travellers may be supplied with Umbrellas at this Factory on more advantageous terms than by importing them.

He has also an assortment of MEDICINE, which he will sell very low and on which a credit will be given—they consist of

226 lbs. Sal Glauber	38 lbs. Seina Alex.
<tbl_info cols="2



"TO SOAR ALOFT ON FANCY'S WING."

MY MOTHER.

WHO fed me from her gentle breast,
And hush'd me in her arms to rest,
And on my cheek sweet kisses prest?
My Mother.

When sleep forsook my open eye,
Who was it sung sweet lullaby,
And rock'd me that I should not cry?
My Mother.

Who sat and watch'd my infant head
When sleeping on my cradle-bed,
And tears of sweet affection shed?
My Mother.

When pain and sickness made me cry,
Who gazed upon my heavy eye,
And wept for fear that I should die?
My Mother.

Who dress'd my doll in clothes so gay,
And taught me pretty how to play,
And minded all I'd got to say?
My Mother.

Who ran to help me when I fell,
And would some pretty story tell,
Or kiss the place to make it well?
My Mother.

Who taught my infant lips to pray,
To love God's holy book and day,
And walk in wisdom's pleasant way?
My Mother.

And can I ever cease to be
Affectionate and kind to thee,
Who was so very kind to me,
My Mother.

Ah! no: the thought I cannot bear,
And if God please my life to spare,
I hope I shall reward thy care,
My Mother.

When thou art feeble, old and gray,
My healthy arm shall be thy stay,
And I will sooth thy pains away,
My Mother.

And when I see thee hang thy head,
'Twill be my turn to watch thy bed,
And tears of sweet affection shed,
My Mother.

For God, who lives above the skies,
Would look with vengeance in his eyes
If I should ever dare despise
My Mother.

"TRIFLES LIGHT AS AIR."

An eccentric barber, some years ago, opened a shop under the walls of the king's bench prison. The windows being broken when he entered it, he mended them with paper—on which appeared *Shave for a penny*, with the usual invitation to customers; and over his door was scrawled the following poetry—

*Here lives Jemmy Wright;
Shaves as well as any man in
England,
Almost—not quite.*

Foote, who loved any thing eccentric, saw these inscriptions; and hoping to extract some wit from the author (whom he justly concluded to be an odd character) he pulled off his hat, and thrusting his head thro' a paper pane into the shop, called out, "Is Jemmy Wright at home?" The barber immediately thrust his head thro' another pane into the street, and replied, "No sir, he has just popt out." Foote laughed heartily, and gave the man a guinea.

BARGAINS FOR SALE—

An in LOT on High Street, on which is a Log House, Brick Kitchen—and Stable; in possession of Mr. Marsh.

ALSO:

An in LOT on High Street, corner of Spring street, under Post and Rail Fence.

ALSO:

One Acre of Pasture on High Street in the rear of Jno. Fisher, and P. D. Robert's in Lots.—For particulars apply to

W. Macbean.

November 13, 1805.

A SMALL FARM FOR SALE.

100 Acres of first rate Land, WITHIN two and a half miles of Lexington, on Strode's Road; about 40 acres cleared, with tolerable improvements; upwards of 100 bearing apple trees, together with a few other fruit trees; well watered. If not disposed of by the 1st of March next, will rent. For further particulars, enquire of the subscriber within three miles of Lexington, near Genl. Lewis Todd's.

Andrew F. Price.

Nov. 20th, 1805.

TWO APPRENTICES
Will be taken by

JOHN JONES,

At his Cotton Manufactory, on Water street, Lexington.

October 13 1805.

11 HART & BARTLET,

Have just imported and are now opening, a Large and General Assortment of

MERCHANDISE,

WHICH they can venture to assert are as well bought, and which can and shall be sold as low as any ever brought to the state. They will receive in payment cash, tobacco, hemp, or hog's lard in hand; but from the many disappointments they have met with in collecting for their last year's sales, they are determined to credit none.

26th November, 1805.

10 LOFTUS NOEL,

TAILOR,

RESPECTFULLY informs the Citizens of Lexington and the Public in general, that he has commenced business in the House lately occupied by Maj. Morrison, (on Short Street,) where he intends to pursue the same in all its various branches, and hopes from his knowledge of the above business, with the strictest attention and a desire to please, to merit a share of public patronage. Ladies and Gentlemen, who will be so obliging as to favour him with their custom, may rely on having their work done in the most fashionable and best manner, on the shortest notice, and on reasonable terms.

LOFTUS NOEL.

N. B. One or two Apprentices will be taken to the above business.

The subscriber has for sale an excellent Coach with Harness, on low terms for Cash.

WOODFORD ACADEMY.

THE trustees of this seminary inform the public, that having met at Woodford Court-house, on Saturday the 21st December, in order to arrange the necessary business of the institution; they elected Mr. John Wood president of the Academy, and adopted the following plan of tuition to be pursued in future.

The branches of Education taught at the Academy of Woodford, to consist of the following:

1. English, writing, and the common rules of arithmetic.

2. The Greek, Latin and French languages.

3. Mathematics and natural philosophy.

The 1st, together with the junior classes of the 2d, will be under the charge of proper assistants to be elected, when the students are sufficiently numerous to require that aid.

In the 2d branch, the method pursued, will vary a little from that at present practised in other schools and seminaries. It is particularly recommended that youth should begin the Latin language at the age of six, or so soon as they are acquainted with the English alphabet, and the syllables of words, and to continue its study for six or eight years. The authors contemplated to be read after the rudiments, *Coriolanus*, and *Cæsar*, are principally the poets, Ovid, Virgil, Horace, Lucretius, *Tibullus* and *Juvenal*. The practice of committing to memory select odes and passages; of scanning; and composing Latin verses, will be early and frequently attended to. The Greek language will be commenced in the fourth year of the Latin, and the authors to be read; *Acæneon*, Homer, Aristophanes and Sophocles.

The French will be taught towards the close of the studies of the Latin and Greek, immediately previous to the commencement of the mathematics.

In studying the mathematics, a full knowledge of Euclid, plane and spherical trigonometry, the elements of algebra, fluxions, and the conic sections, is recommended previous to the acquirement of any of the branches of natural philosophy; as they are intended to be taught principally by the medium of geometry and algebra.

The general art of design, or of drawing and painting, will be occasionally practised as an amusement, and to relieve the mind from severe studies.

The knowledge of all religious, ethical, and speculative tenets, will be excluded from this seminary; as likewise the perusal of such authors as may tend to influence the mind of youth in those respects; but the strictest attention will be devoted to the moral deportment of the students, and to the cultivation of the virtuous and sympathetic passions; nor will any amusements be tolerated in play hours, but such as may have this tendency.

Although the above is the plan which is rendered in general to be adopted with the youth of the Woodford Academy; yet it will be frequently varied to suit the capacity, and intended professions of particular individuals; but not so as to occasion any derangement in the plan of the several classes.

The terms of tuition in future, will be five dollars per quarter, for those only studying English; six dollars for Greek and Latin students; seven and one half dollars after the commencement of the French language, or any of the branches of the mathematics and natural philosophy. Two dollars and one half additional, will be charged to those who obtain a knowledge of drawing or painting, or those branches connected with the art of design, as military or civil engineering, &c.

The fees of tuition are also required to be paid in advance, at the commencement of each quarter.

The healthy situation of the town of Versailles is sufficiently known, without the trustees urging any argument in its favor. It may however be proper to acquaint the public, that every necessary accommodation will be provided in the town, for the boarding of students, who live at a distance from their parents or friends.

6t Fran. Johnson Elk.

NEW SCHOOL.

MR. & MRS. GREEN, BEG leave to acquaint their friends in Lexington and its vicinity, that on Monday, the 6th of January, 1806, they intend opening an

Academy for Young Ladies, where will be taught, the following branches of Education, (viz.)

Spelling, Reading, with all kinds of

Needle Work,

Writing & Arithmetic,

English Grammer, Geography, &c.

Music, (vocal & instrumental) with

use of instrument,

12

Such ladies and gentlemen who please to ho

nor them with the instruction of their chil

dren, may rely on their using every exertion in

their power, towards their making a rapid

progress.

N. B. The manufactory of Patent Piano Fortes, is carried on as usual.—Price 180 dol

lars.

Mr. Green has just received from Philadel

phia, an assortment of E. & W. MUSIC, which

he offers for sale.

Lexington, December 24, 1805.

11 WILL give 1s. 3d. per pound, for cleaned combed

HOGS' BRISTLES,

At my shop, at the corner of Short and

Cro's Streets; where I carry on the

Brush Making Business

In all its branches; where the public

can be supplied with as good BRUSH

ES as any imported from Philadelphia.

As this business is of great utility to

our country, it is hoped, that every

good citizen will encourage this busi

ness, by attending to, or order their do

mestic to attend to the fanning of the

Briffles, at the time of cleaning their

hogs. Their being scalded is of no in

jury to them. I still carry on the

WHEEL and CHAIR making busi

ness, as usual.

ROBT. HOLMES.

Nov. 18th, 1805.

WOODSON WREN,

HAS removed his STORE to Mr. Geo.

TEGARD's Framed House, on Main

Street, next door to Messrs. Saml. & Geo

Trotter's Store; where he will continue to

keep

A HANDSOME ASSORTMENT OF

GOODS,

Suitable for this Market.

He is authorized by Joseph Charles, to sell

his BOOKS in the same house, where his cu

tomers may be supplied as usual. Students may

be supplied here with CLASSICAL BOOKS

on the lowest terms.

Lexington, October 29, 1805.

F. Downing & Co.

TAKE this method of inform

ing their friends and the public at

large, that they continue the

HOUSE & SIGN PAINTING

BUSINESS,

In all its branches: Papering, and

decorating apartments in the most

finished style.

They undertake like

wife Gilding and Japanning—Old

waiters &c. japanned anew.

They have added to the above mentioned

branches, that of making new, and

repairing old Looking Glasses.

They have received an elegant assortment of

Gilt Borders, for pictures or

looking glass frames—They have

continued to take shaded and cut profile

likenesses with the physiognomy,

at their shop, opposite to Mr. Pope's

office; where for the use of persons

living at a remote distance, will be

found, all sorts of paints, ready

ground, and fit for immediate use,

on the shortest notice, together with

new brushes. All such persons by

giving the subscribers the dimensions

of what they desire to be painted,

may be accommodated with a suffi

cient quantity of paint. They have

Kentucky Gazette----Extra.

THURSDAY, JANUARY 30, 1806.

VINDICATION OF RUFUS EASTON.

FOR the method General James Wilkinson takes to ruin the reputation of gentlemen, see the affidavits of David Fine and wife, and the proceedings of the Governor's grand jury, and *court of Inquisition*, lately published in the Frankfort Palladium; or as the General says, the manner in which he "either trips up his opponents, or destroys them before they are aware of it."

James Rankin's Affidavit.

Louisiana District, ss.

James Rankin esq. sheriff of the district of St. Louis, being duly sworn, maketh oath and faith, that some time before the sitting of the court of general quarter sessions of the peace, for the district of St. Louis, he was in company with John Mullanphy esq. one of the justices of the said court, and of the common pleas; when said Mullanphy blamed said Rankin very much, for summoning so many of the grand jurors from the country, and advised and stated said Rankin ought to take them all from the town of St. Louis, and dismiss those in the country; that if he did not, the court would dismiss them; after which, said Mullanphy said, that Rufus Easton esq. would be, and most be crushed, as said Easton had taken law-suits at St. Louis, to the disquietude and disturbance of the people; and that a jury ought to be selected, that would present mr. Easton, so that he might go away, and not be allowed to live at St. Louis; that a gentleman had written on a letter to Governor Harrison, that said, Easton would be deprived of his office as attorney general, and not be suffered to hold it. That said deponent has at other times heard said Mullanphy say, that said Easton took a part on a committee at St. Genevieve, against the best interest of this country.

That this deponent did say to David Delaunay another justice, as said Delaunay swore, at the general court in May last, that at a certain time, near the corner of a house in St. Louis, that he, the deponent, was then on his way to summon the jury to present mr. Easton, in which said Delaunay acquiesced---but this deponent further makes oath, that he had at that time, issued his tickets for the jurors in the country, and did not intend or did he change any one of them; but made use of the above expression, to satisfy those concerned.

Js. Rankin.

St. Louis, 13th May, 1805.
Sworn this 13th day of May, in the year 1805, before me,

Henry Vanderburgh.

Testimonial of Respect.

We the grand jurors, summoned and sworn to enquire on behalf of the United States, for the body of the district of Louisiana, at the general court, held in and for the said district, on the seventh day of May, in the year of our Lord one thousand eight hundred and five, do represent it as our opinion, that Rufus Easton esq. attorney general of the said district of Louisiana, has discharged the duties of his office, with honor to himself, and to the satisfaction of the people in general; for which we return him our most cordial and hearty thanks, and having heard of his appointment as one of the judges of the territory of Louisiana, do congratulate him on this token of confidence and respect from the executive of the United States, believing it satisfactory to a majority of the inhabitants, praying that the senate of the United States may approve of, and confirm his appointment; and have presented this as a testimonial of approbation of his conduct, by these our fellow citizens.

(Signed)

Benj. Johnson,
the Foreman, and others,
to 13 in number.

Territory of Louisiana, ss.

Edward Hempstead of the town of St. Louis, in the district aforesaid, being duly sworn on his oath, deposes and faith, that at the time when Josiah M'Clanahan esq. sheriff of the said district of St. Louis, took the venire from the office of the clerk of the general court, requiring him to summon a grand jury for the October term of the general court, he asked of me a small piece of paper, to write the names of some grand jurors upon, which I gave him, the

names he wrote on that piece of paper on: it is one of mr. Zeno's." The I did not see, but he read the following deponent then asked the judge what he gave for it; to which he replied, that was immaterial. The deponent then parted from the judge, who proceeded toward the deponent's dwelling, to which the deponent returned in the evening, where he found the judge. When the deponent entered his house, he saw some written papers laying on a table; the judge then spoke to deponent and informed him, that he had drawn two writings, one to be signed by the deponent, and the other by himself; and that he expected they would settle their difficulty about the land, without any further trouble; after which, the judge read the said writing and in the way in which be read that which was afterwards delivered to the deponent, by him the judge, engaged to secure to the deponent, four hundred acres of land, besides his improvements clear of all expenses; after hearing them read the deponent stood silent, being unwilling to sign and the judge laying the writings upon the table, said to deponent, you may sign or not as you please; but if you do not sign it, the law must decide it, and mr. Richardson observed to deponent, there was no danger in his signing.

The deponent being a poor man unable to read and write, and having a wife and seven children to maintain, declares, that his only motive for agreeing to judge Easton's proposal to sign the paper, was to avoid law; he therefore agreed to sign, but under the conviction that the paper read to him by judge Easton, did secure to the deponent his hundred acres of land, exclusive of its improvement and free of all expense. The deponent further faith, that sometime in the month of September last, judge Rufus Easton came to the house of the deponent, accompanied by one Russell, who appeared to be a surveyor, and informed the deponent, he had come to survey the land. The deponent then, accompanied by the surveyor and judge Easton, proceeded to a proper place to begin the survey; when the deponent asked the surveyor if it was not usual to swear the chain bearers; the surveyor replied, I have never been sworn myself, and never require an oath by those employed by me; whereupon the survey commenced, the deponent and judge Easton carrying the chain, and on the next day was finished. And the deponent further faith, that he heard the surveyor say, the platt of ground surveyed, contained eleven hundred and eighty acres. After finishing the survey, and returning to the house, the judge said to this deponent, mr. Fine, what about paying the surveyor for running the lines; the question put the deponent to a study, and remained silent some time; when the deponent's wife said, she thought the land was to be given her husband clear of all expense; to which the judge replied, I do not think it was so; I understood every one was to pay his own part, and the surveyor then observed to the judge, it makes no odds, you and I can settle it now, and you and mr. Fine hereafter; and further faith not.

Richard Caulk.

St. Louis, November 4th, 1805.
Sworn to and subscribed, before me, the day and year aforesaid.

John B. C. Lucas.

Extract from a letter from Samuel Hammond Jun. Esquire, dated Old Mines, 18th November, 1805.

On my way to this place, I stayed a night at the house of mr. David Fine, in company with captain Johnson, when in the presence of us both, a conversation took place, relative to a dispute in Land, between him and family and yourself; as also relative to certificates which had been given the Governor, charging you with fraud &c. &c. therein. In course of that conversation, it was mentioned, that "the Governor had sent for Fine and his wife—that Fine was not at home, and consequently that mrs. Fine waited on his Excellency herself—that the Governor was a mighty clever man; asked her to eat with him &c. &c. promised to give them a large tract of Land; a thousand and forty acres!! and find a surveyor, and have it run at his expence; and that it should cost them nothing. The foregoing is the principal part of their conversation; to which it was added, that she, (mrs. Fine,) was requested then, to give a certificate against you, and that she had done it."

Samuel Hammond Jun.
R. EASTON ESQ.

The portion of the following affidavit of David Fine in Italics, is challenged, and proven to be false.

Territory of Louisiana, ss.

David Fine of the district aforesaid, residing on the waters of the Merimack, being duly sworn, deposes and faith, that he came to the territory of Louisiana in the year 1802, and that in the month of January 1803, he was shewn the place on which he now lives, by John Baroli, and that the deponent made a settlement on the said land by permission of the then Spanish commandant in the following month, where he has ever since resided; and that no settlement had been made previously on the said land, by any other person, and he further faith, that in the month of May last, as he, the deponent was riding out from his house with his wife, he met judge Rufus Easton, about one mile from his, the deponent's house, accompanied by a stranger, whom he afterwards learnt was one Richardson; that he, the judge, accosted the deponent and said, he was hungry and expected to get his dinner with him, on which, the deponent spoke to his wife, and said to her, she must return and get dinner for them, after which, the judge observed, he had a concession for the land on which he, the deponent lived, which he, the judge had purchased from one Masterson; to which the deponent replied, "he did not think that concession was of much account;" the judge answered, "O yes, it is a good conces-

tion, et soliciter la concession de M. le commandant General, la ditte terre ne pouvant etre accorda que dans le cas quelle appertienne au domaine du Roy, et quelle ne porte prejudice a personne.

Signed, Zenon Trudeau

Conveyance of M. Masterson.

Know all men by these presents, that I Michael Masterson, the within named, for and in consideration of one hundred dollars, to me in hand paid by Rufus Easton, of the town of St. Louis, the receipt whereof I do hereby confess & acknowledge, have granted, bargained (and) sold and assigned, and by these presents do grant, bargain, sell and assign unto the said Rufus Easton, his heirs and assigns forever, the within grant and concession of land, with all the right, title and claim which I now have or hereafter may claim to land in Louisiana, in consequence of having been an actual settler in the country at and before the said concession was granted me, to have and to hold the said premises with the appurtenances, to him the said Rufus Easton, his heirs and assigns forever. Witness my hand and seal the 5th day of March, 1805.

Signed,

Michael Masterson, (Seal.)

Sealed and delivered in the presence of
George Bowers,
Elizabeth Bowers.

Recorded (in book No. 2, No. 14, pages
75 and 76) the year 1805, ten March.

Signed,

Ant. Soulard,
Surveyor gen. dist. Louisiana.

Copy of conveyance David Fine and wife.

This deed, made by and between David Fine and Anne his wife, both of the first part, and Rufus Easton of the town of St. Louis, in said district of the second part, witnesseth, that the said party of the first part, for and in consideration of five dollars to them in hand paid, and a bond this day executed and delivered by the said Rufus Easton to the said David Fine, the receipt whereof they the said party of the first part, do hereby confess and acknowledge, have granted, bargained and sold, and by these presents do grant, bargain and sell unto the said party of the second part, his heirs and assigns forever, all the land which they may, can or shall claim or hold under the laws now made or to be made by congress, by virtue of an improvement made and actual cultivation on and before the 20th day of December, in the year of our lord 1803, of a tract of land situate in the aforesaid district, on the branch of a creek called Mattis, and is the same tract of land and improvement right on which the said party of the first part now live and have resided for about three years past, except the houses and buildings of the said party of the first part, and 400 acres of land adjoining the same, and including all the improved lands of the said party of the first part, which they hereby reserve and hold to themselves. To have and to hold the premises and land hereby intended to be granted and sold, with the usual allowance to the wife and family of each settler, excepting the house, buildings, and four hundred acres of land adjoining the same, and including all the improvements as aforesaid unto him the said party of the second part, his heirs and assigns, and to his and their only proper life and benefit forever.

In witness whereof, the parties aforesaid have hereunto set their respective hands and seals interchangably, this 6th day of May, in the year of our Lord 1805,

governor Zenon Trudeau, for 400 arpents of land on the river Matteest, about three miles from the place where this deponent then lived, which he shewed to him this deponent. At and before he got the concession he took an axe, and said he would go to improve his land, which this deponent believes he did, though this deponent did not go to see what labor he had done, but frequently heard said Masterson say that he had been to work on his place at a certain spring. That the Indians began to be troublesome, and killed old Mr. House and his son, and wounded another, at the time Masterson came to move on his place: this deponent fortified his house, and there was great danger. Masterson then being a single man, said he would take his security among the thick settlements, which he did do. This deponent further saith that he the said Masterson had been offered one hundred and fifty dollars for his place, which he refused to take, as the said Masterson at that time told him, and which he verily believes to be true, and further that he considers and believes the said Masterson to be a man strictly honest.

Signed,

John Janes.

Sworn and subscribed before me, one of the judges of the territory of Louisiana, St. Louis, November 29, 1805.

John B. C. Lucas.

Copy of Michael Masterson's affidavit.

Territory of Louisiana, ss.

Michael Masterson being duly sworn, maketh oath and faith, that in the month of September, in the year of our lord 1797, having been a resident in Upper Louisiana, for nearly two years, he made a settlement on the river Matteest near to a certain spring about three miles from the Merrimack, that in the same month of September, while he was yet at work on the said land, he obtained a concession of four hundred acres of land from governor Zenon Trudeau, through the aid and assistance of Louis Labeaume, esq. who wrote the deponent's petition, to be taken and located on the said river Matteest, and this deponent caused the same to be located at the aforesaid spring, on which said tract of land the deponent in the same year aforesaid, sowed turnips, and cut some house logs, under a firm intention to live on it; but eight canoes of Indians came up the Merrimack, and forced from him a quantity of salt, the settlement being thin and scattering, this deponent felt afraid of his life, and though he was then above 21 years old, he had no family, and left the place to work out to pay a debt which this deponent then owed. The next summer after this deponent made the aforesaid settlement, he got married, and had then an intention to make the aforesaid tract of land his place of residence, but his wife being afraid of the Indians, he could not persuade her to remove to this place until about June or July, in the year 1803, when this deponent came to his land, he found one David Fine settled upon it at the aforesaid spring, and informed the said Fine that he had the concession aforesaid for the said land. Fine replied, if he had known of the concession he would not have settled there. This deponent forbade the said Fine from doing any further labor upon the land, and told him if he would leave it, he would pay him the value of his labor, to be appraised by any two men, which the said Fine refused. This deponent then proposed to said Fine to purchase his concession, which said Fine refused, or if said Fine would give him a concession of equal date with his, he would exchange and take land elsewhere, which the said Fine also refused.

Signed,

Michael Masterson.

Sworn before me the 29th day of October, 1805.

John B. C. Lucas.

Copy of John Janes's affidavit.

Territory of Louisiana, ss.

John Janes of the district of St. Genevieve, being duly sworn, maketh oath and faith, that he settled in Upper Louisiana in the year 1795, and Michael Masterson came to live with him at the same time; being a taylor, he lived with this deponent at times for about 18 months. That in the fall of the year 1797, the said Masterson procured a grant or concession so called, from it, and signature as one of the subscr-

ing witness in presence of him and the parties.

Henry Vander Burg.

Copy of the deposition of Annie Fine.

Territory of Louisiana, ss.

District of St. Louis, 5th.

October 12, 1805.

This day personally appeared before me Joseph Brown, one of the justices of the peace of the said district, Ann Fine, the wife of David Fine, a citizen of the said district, and being of her free will and accord duly sworn on the holy evangelist of Almighty God, deposeth & saith, that on a Sunday in the month of May last, being on a ride to visit a neighbour, she met on the road about one mile from her own house, judge Rufus Easton, in company with a Mr. Richardson; that Mr. Easton accosted the deponent's husband, who was in company with her, and said that he intended to go to his house and get some dinner, whereupon the deponent's husband requested her to go back to the house and provide Mr. Easton something to eat, in consequence of which she returned to her house and gave them dinner. After dinner was over, judge Easton asked the deponent if she had any paper in the house, the deponent then gave him some; he then sat down and wrote something thereon, when he had done he said he had purchased a concession from one Michael Masterson, for the land then occupied by Mr. Fine; the deponent then informed him she did not believe such a purchase could be of any account to him, he then replied O yes madam, it is undoubtedly good, it is one of Zeno's grants, he then said he did not know that the deponent's husband lived on the land at the time he purchased it, or he should not have done it. Mr. Easton then said I have drawn an instrument in writing for you and your husband to sign, meaning the deponent and her husband, and then said there will be no difficulty or dispute about the land, or else the law would have to decide it, that the law was a troublesome thing, for his part he did not want to go to law, and probably it would cost them both more than the land was worth. Her husband being now returned, he read the instrument he had written to the deponent and her husband, whereupon her husband said it was better to sign it than go to law. The instrument in writing being again read by Mr. Richardson, it was agreed by the deponent and her husband to sign the same after some hesitation, and the following covenant or agreement being signed and tendered to the husband of the deponent, and which is in the following words, to wit:

"Whereas, David Fine and Ann his wife, have this day given me a deed of all the lands which they can claim by virtue of the improvement made on the land where they now live, except 400 acres of land including all their improvements and houses and buildings, and to adjoin the same, in consideration whereof I do hereby covenant, grant and agree with the said David Fine, to secure and indemnify him against a grant and concession given by Zenon Trudeau, late lieutenant governor of Upper Louisiana to Michael Masterson for the same tract of land on which the said David Fine now lives, which said concession I have purchased, and furthermore I do ensure to the said David Fine, that he shall always hold and enjoy his house, improvements, and 400 acres of land adjoining the same, free from the said concession, or any person holding or claiming the same, from, by or under the said Michael Masterson or myself, or any other claiming from or under me. In testimony whereof I have hereunto set my hand and seal, this 6th day of May, in the year of our lord 1805.

"Signed,

"Rufus Easton, (L. S.)

"Sealed & delivered in presence of

"Ed. Richardson.

"Jesse Cain."

And the deponent further saith, that some time in the month of September last, judge Rufus Easton came to the deponent's house with a surveyor, and said he was then come to survey the land, that then taking with them certain surveying instruments, they went round the land, and on the next morning judge Easton informed the deponent they had completed the survey, and further saith not.

Signed, her
Anne Fine.

mark.

Sworn the day and year above
written,

Joseph Brown.

Copy of the affidavit of Wm. Russell.

Louisiana Territory, ss.

William Russell of the district of St. Louis, in the territory aforesaid, surveyor, being duly sworn, maketh oath and saith, that on or about the 3d day of September, 1805, having then permission from major James Mackay, one of the deputy surveyors of this territory, to survey any concession for land coming within the law of congress, he informed Rufus Easton that he was then going to survey on the Merrimack, and if Mr. Easton had any land he wished surveyed, this deponent would do it for him. Mr. Easton informed this deponent he had become interested in two small tracts which he wished surveyed, that plats might be laid in the recorder's office. Accordingly Mr. Easton and this deponent started for the place where David Fine now lives, and found said Fine making hay about 1 1/2 miles from his house. When Mr. Easton mentioned to said Fine that this deponent was going to survey, and perhaps they would not have a better opportunity to survey their tract—accordingly Fine proceeded down to his house with this deponent and Mr. Easton, and after making the necessary preparation, all went out together to commence the survey on Fine's part, which this deponent understood from Fine himself, as well as Mr. Easton, was to be 400 acres, and to be so run as to include the house and all the improved land, & the calculation was accordingly made, and so completed, to survey Fine's part according to his own directions. The survey was in the same manner and form as this deponent had always before been accustomed to survey in this country—The chain bearers were not sworn, but at the commencement of the survey, Fine carried the hind end of the chain, and this deponent the fore end, and continued on in that manner about 300 poles, when Fine's boy took the place of this deponent, and the chain was borne by Fine, his boy, and myself all the distance around the tract, except a small distance on the last line, Mr. Easton helped Fine to carry it on Fine's own part, to relieve the boy who was fatigued and who got on to the horse of Mr. Easton. Fine made his own calculation to include his improvements as to the form of survey should be made, and during a part of two days in which the survey was doing, Fine or his wife, nor did either of them suggest an idea that they were to have any greater quantity of land than 400 acres, to include the improvements, and it was so repeatedly mentioned by the parties; and the survey was accordingly so made, agreeably to the wishes of the parties, with which Fine appeared to be well satisfied.

And furthermore the intention of the survey was to contain one mile square, or 640 acres, with the usual allowance to the wife and family of a settler.

Signed,

Wm. Russell.

Sworn before me the 4th of November, 1805,

John B. C. Lucas

Copy of the affidavit of Capt. Nathan Bush.

Territory of Louisiana,
District of St. Louis, ss.

Nathan Bush, late of Augusta in Georgia, being sworn according to law, deposeth and saith, that some time in September last, at the time of the sitting of the court of quarter sessions of the peace, he in a conversation with David Fine, told the said Fine that he had made a bad bargain in giving part of his land, to secure the other part, when the said Fine replied that this deponent was unacquainted with the circumstances respecting the right he had to said land; that he said Fine told him that he thought he had made a good bargain, as he had no concession for the land, and there was a claim and a concession to the very land he lived on of a prior date to the improvement he held it under, and that he thought it was better to secure the one half by giving the other, than run the risk of losing the whole, which he was doubtful he should do, and that the said Fine told this deponent that he was well pleased with his bargain. That some time after, (the time he the deponent don't recollect) the said Fine told this deponent that he could not write, but this deponent knows to the contrary, as he has seen a note given by said Fine, signed in his own proper hand and signature, and that he verily believes he was told to say he could not write, by some person or persons for their own private views. And further this deponent saith that he said Fine told him he had been sent for by the present governor James Wilkinson, and that the governor had told him, that he, Fine, should get all the land, in consequence of the oath he took before some magistrate respecting

the same, and further this deponent saith not.

Signed,

NATHAN BUSH.

Sworn the 19th day of November, 1805,
before me,

JOHN B. C. LUCAS.

John Campbell's Certificate.

I John Campbell, of the town of St. Louis, Merchant, do certify, that I have seen David Fine of the District of St. Louis, write, and have now in my possession his hand writing, which is a legitimate hand---and further I do certify, that being acquainted with the circumstances of the said Fine, I do not consider him a poor man, and that he informed me as late as September last, that he had made a good bargain relative to his land, with Rufus Easton Esq. with which he, the said Fine, was well satisfied. Dated the 23d day of November, 1805.

John Campbell.

Jaduthun Kendall's Certificate.

I Jaduthun Kendall, of the District of St. Louis, do certify, that some time in the month of May last past, I was at the house of David Fine, a settler on the river Matteeet; and in conversation with the said Fine he told this deponent, that Rufus Easton Esq. had purchased a concession for the land on which he lived, and that to avoid controversy at law, he had compromised with Mr. Easton on terms, that he was to have four hundred acres, including his house &c. he allowing to Mr. Easton, whatever quantity should be recovered under the improvement right, over and above the said four hundred acres---and I further certify, that the said Fine shewed me the bond which Mr. Easton had given him, and I read it over to him twice, and he said he was well satisfied with the compromise, for it was better to settle than to have further altercation or dispute. Dated at St. Louis, this 30th of October 1805.

Jaduthun Kendall.

Jesse Cain's Deposition.

INDIANA TERRITORY,

County of St. Clair, ss.

I Jesse Cain, of the Territory and county aforesaid, being duly sworn deposed and say, that some time about the first of May last, I was at the house of David Fine, of the District of St. Louis, when a contract was made between Rufus Easton Esq. and the said Fine, relative to the tract of land on which Fine then lived, upon which it was mutually agreed between them, that Fine should keep four hundred acres of land to include his improvements, and make a deed to Mr. Easton for the overplus that might be gained under an improvement right, and Mr. Easton was to give Fine a bond to indemnify him against a concession given to Michael Masterson for the same tract of land, by Lieut. Governor Zenon Trudeau, calling for four hundred French acres---that the writings were drawn up and read over by Mr. Easton, and afterwards again read by Mr. Richardson, who was a witness with me, and fully explained to Fine and wife, who appeared to be well satisfied with them and signed them freely; Fine wrote his own name, and Mr. Richardson wrote the name of Mrs. Fine, who put her own mark to the writings. And this deponent saith, that Mr. Easton did not threaten Fine with the law, but he and Fine both stated, that it would be better to settle on those terms than to dispute about the land---This deponent believed and at the time remarked, that Mr. Easton had been very liberal and generous with Mr. Fine. This deponent is confident that Fine was to have only four hundred acres to include the house & improvements, and he said at the time that it would be enough for him. And further the deponent saith not.

Sworn the 3d day of December, 1805, before me.

N. Jarrot.

Indiana Territory, Randolph County, ss.

Before the subscriber, one of the judges of the court of common pleas, in and for the said county, personally appeared Edward Richardson, who being duly sworn, deposeth and saith, that some time before the general court at St. Louis, last spring, he set out on a journey into the country, in company with Mr. Rufus Easton of St. Louis; that as they were returning towards St. Louis, they met Mrs. Fine, who on being told by Mr. Easton, that he and this deponent intended to call at her house; get something to eat, and stay with them all night, returned with them to her house, when Mr. Easton observed to Mr. Fine, that he had purchased a concession for the land he said Fine lived on, and said he was sorry their claims interfered; and that after some conversation between said Fine and Easton, relative to the extent of the improvement, made by the person to whom the land was conceded—The said Easton made the following proposition: that he would relinquish to said Fine four hundred acres, to be laid off, so as to include his improvement, and to extend for quantity toward either end of said tract, at the option of the said Fine: provided he the said Fine would relinquish the residue of what might be obtained by virtue of the improvement; to which proposition the said Fine agreed without hesitation, and appeared perfectly satisfied. That some time after this agreement, the said Easton commenced drawing the writings, and after they were completed, the said Easton read the writings correctly to the said Fine and wife, who signed them in this deponent's presence, without any reluctance; and this deponent subscribed his name as a witness to the execution thereof. The instruments in writing so drawn up by said Easton, were also correctly read to the said Fine and wife, by this deponent; and that it appeared to him impossible, that they could be mistaken.

This deponent further states, that the said Easton's conduct and language to

ward the said Fine and wife, was mild and gentlemanly; and that the said Easton never through the whole conversation, threatened the said Fine with the law or law-suits: and that after the writings were executed, the said Fine expressed himself to this deponent fully satisfied and said he never expected to hold more than four hundred acres; and that the said Easton informed said Fine, that his improvement would entitle him to six hundred and forty acres, and the usual quantity formerly allowed by the Spanish government, to the wife and family, which Mr. Easton observed would amount to eight hundred acres, and perhaps more; but that it was well understood, that Fine should have only four hundred acres, out of what might be obtained in virtue of the improvement.

Ed. Richardson.

Sworn and subscribed before me, the 20th

December, 1805.

John Grosvenor.

Opinion of the Bar.

At a meeting of the members of the bar, practising in the district of St. Louis, at the town of St. Louis, on the 20th day of December, in the year of our Lord one thousand eight hundred and five.

We, the undersigned attorneys and counsellors at law, residing in the town of St. Louis, having carefully and attentively read and considered the documents herein after mentioned—to wit, David Fine's deposition, taken before Joseph Browne Esq. October 14th, 1805, Michael Masterson's concession, dated and signed by Zenon Trudeau, September 23, 1797, and the deed of conveyance thereon, from Michael Masterson to Rufus Easton Esq. dated March 5th, 1805: the deposition of Michael Masterson taken before the honorable John B. C. Lucas, October 29th, 1805; the deposition of John James taken before the honorable John B. C. Lucas, November 29th, 1805; the conveyance of David Fine and wife to Rufus Easton, dated May 6th, 1805, witnessed by Edward Richardson and Jesse Cain.

The proof of the same deed on the 13th day of May, 1805, before the honorable Henry Vander Burgh Esq. the deposition of Anne Fine taken before Joseph Browne Esq. October 12th, 1805; the deposition of William Russell, taken before the honorable John B. C. Lucas Esq. November 4th, 1805; the deposition of Captain Nathan Bush, taken by the honorable John B. C. Lucas Esq. November 19th, 1805; the certificate of John Campbell, dated the 23d day of November, A. D. 1805; the deposition of Jesse Cain, taken by Nicholas Jarrot Esq. December 3d, 1805, and also the indictment found by the grand jury, at the December term of the court of quarter sessions, of the peace for St. Louis district, A. D. 1805, against Rufus Easton Esq. are unanimously of opinion,

That the conduct of the said Rufus Easton Esq. in the said transaction, has not been in the most distant degree fraudulent or malfeasant; and that the deed of the said David Fine to him, is neither voidable or void, either at law or in equity; or that it can be taken notice of on indictment: inasmuch as on the compromise between Mr. Easton and Fine, there was a supposition of right in both parties, and even had it been of a doubtful right, still it was contemplated by the parties and the deed, both at law and in equity, is binding—so on the contrary, if after the execution of the bond to Mr. Easton to indemnify Fine against the concession of Masterson, there should be full proof of a complete title in Mr. Easton, in consequence of the conveyance from Masterson; yet, as the right of Fine's, as well as that of Mr. Easton, was contemplated in the settlement—the bond would not be set aside, it is valid—After a careful examination of the documents before named, we can discover no badges of fraud attending this transaction, unless we discredit the testimony of all the other witnesses, who are disinterested, and give full credit to the affidavits of David Fine and wife, who have a material interest in the question.

In order to establish fraud upon another, the law makes it necessary, that there should be either misrepresentations, impositions, concealment of material facts, or taking an undue advantage of the other. None of these requires to constitute a fraud, appear in the present case: Fine had been in Louisiana for several years, and could not be ignorant of Masterson's concession, and the other circumstances relative to Masterson's improving the land. He knew the precarious state of his title long before Mr. Easton came to this country.

Under these circumstances, it appears that the bargain was fairly and bona fide entered into; the writings perfectly understood, and signed voluntarily; and Fine was fully satisfied. If therefore, the deed of Fine to Mr. Easton is valid in law, it follows of course, that the indictment cannot be supported; and indeed this is the first case within our recollection, in which an indictment has been found on a deed supposed to be fraudulent, before that deed was previously declared void at law, or in equity.

Another reason in our opinion, why the indictment cannot be supported, is, that Fine has no certainty of holding

an acre of land in Louisiana; whereas the indictment is founded altogether on the supposition, that he had been defrauded out of a considerable tract. If then the result should prove to be, that Fine cannot hold the land to which the indictment supposes he has a full right; or if the concession of Masterson should be confirmed, in preference to the claim of Fine, by improvement, on what ground is this indictment to be supported? We know of no instance, in which an individual can be legally indicted for fraud and deceit, unless the party alleged to have been defrauded, had a full and complete title to the property; and unless there was either a suppression of truth, or a suggestion of falsehood in the transaction; which we are fully convinced, Mr. Easton was not guilty of in the present case.

On the whole, we are decidedly of opinion, that the contract with Fine on the part of Mr. Easton, was in every respect fair and honorable.

(Signed.)

Henry Higby,
E. Hempstead,
Will. C. Carr,
J. Darnelle.

I Robert Robinson, counsellor and attorney at law, residing in Kaskaskia, have seen and read the principal papers within referred to, and also the deposition of Edward Richardson Esq. and do in opinion, perfectly agree with the gentlemen who have hereunto subscribed their names.

Robert Robinson.

ABRAHAM S. DRAKE,
TAYLOR,

TAKES this method to inform the citizens of Lexington, and the public in general, that he has commenced business in the shop lately occupied by Mr. Holmes, Taylor, or Main street, nearly opposite Benjamin Stout, saddler, where he intends carrying on the above business in all its various branches, and hopes from his knowledge of the business, with the strictest attention, and desire to please, to meet a share of public patronage.

Ladies and Gentlemen who will please to favor him with their custom, may depend on having their work done on the shortest notice, and in the most fashionable manne, and with neatness and dispatch.

One or two boys are wanted to the above business.

Such country produce and store goods as may suit, will be taken.

31

7th Nov. 1805.

TAKEN up by Aaron Prather, living in Fayette county, on the waters of Hickman creek, a

A WHITE MARE,

and black sucking

HORSE COLT,

One hind foot white—the mare about 14 hands high, supposed 15 or 14 years old, branded on the near shoulder and buttock M, with a three or four shilling bell on; appraised to 26 dollars four shillings—Also, a

BAY HORSE COLT,

two years old, star and snip, off hind foot white, branded on the near shoulder and buttock S: I, and on the near buttock I: S; appraised to 51. 10s.—Also, a

BAY HORSE,